

REMARKS

In this Amendment, Applicant has cancelled Claims 10 – 21 and 31 – 42, without prejudice or disclaimer, and has amended Claims 22 and 29. Claims 22 and 29 have been amended to further specify the present invention and overcome the rejections thereto. It is respectfully submitted that no new matter has been introduced by the amended claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH:

Claims 22 – 30 and 43 – 49 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant traverses the rejection. It is respectfully submitted that in view of presently claimed invention, the rejection has been overcome. In particular, Claim 22 has been amended to delete the method of “preventing” various diseases or conditions. In addition, the disease and conditions claimed have been re-written in “Markush” format. Furthermore, Claim 29 has been amended to use the expression “consisting of.” It more clearly describes the embodiments of Applicant’s invention as presently claimed in Claim 29. Dependant Claims 23 – 30 and 43 – 49 also overcome the rejection by virtue of their dependency on Claim 22.

Accordingly, withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102(b)

Claims 22, 25, 26, 29 and 30 have been rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by the Schmidl et al (US 5,719,134), hereinafter Schmidl.

Applicant traverses the rejection. It is respectfully submitted that in view of presently claimed invention, the rejection has been overcome. As indicated above, Claim 22 has been amended to delete the method of “preventing” various diseases or conditions and re-written in “Markush” format. It is respectfully submitted that Schmidl does not disclose the method for treating the diseases and disorders that the currently amended Claim 22 covers. Therefore, Claim 22 is distinguishable from Schmidl. In addition, Claim 29 has been amended to use the expression “consisting of,” which defines that the EFA and vitamin K are the only active ingredients used in the claimed methods. Schmidl discloses a nutritional dietary composition for adolescents including a carbohydrate component of 50 – 60%, a lipid of 20 – 35% and an amino acid component of 10 – 20%. The amounts of EFA and Vitamin K as disclosed in Schmidl are insignificant comparing with other components. Therefore, EFA and Vitamin K are not the only active ingredients in Schmidl, which is contrary to the embodiment of the Claim 29. Dependant Claims 25, 26 and 30 are also distinguished from Schmidl by virtue of their dependency on Claim 22.

Therefore, the rejection under 35 U.S.C. § 102(b) has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 (b) is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103:

Claims 23, 24, 27, 28 and 43 – 49 have been rejected under 35 U.S.C. § 103, as allegedly being obvious and unpatentable over Schmidl in view of US 4,977,187 (‘187) (‘187).

Applicant traverses the rejection. More specifically, due to the dependency to Claim 22, Claims 23, 24, 27, 28, 43 – 49 have been limited to the method for treating premenstrual or menstrual disorders, skin disorders, and bone or calcium disorders, including osteoporosis. Applicant respectfully submits that these diseases and disorders are not covered by either Schmidl or '187. The nutritional composition in Schmidl is for diseases or conditions such as inflammatory bowel disease, intractable diarrhea, lactose intolerance, short bowel syndrome, cystic fibrosis, cow's milk protein enteropathy or sensitivity, pre or post surgery, AIDS, malabsorption syndrome, gastroenteritis, GI fistula, and pancreatic disorder (col. 1, lines 29 – 35). '187 specifically directs to treating schizophrenia and associated tardive dyskinesia. Therefore, neither Schmidl nor '187 provides suggestion or incentive to combine these two references together to achieve the present invention. Even if combined, Schmidl and '187 do not teach or suggest the present invention.

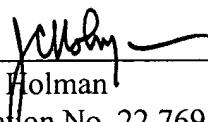
Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §103 be withdrawn.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: April 26, 2004
(202) 638-6666
400 Seventh Street, N.W.
Washington, D.C. 20004
JCH/jc
Atty. Dkt. No.: P66731US0

By 
John C. Holman
Registration No. 22,769